

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BEARBOX LLC and AUSTIN STORMS,)
Plaintiffs,) **REDACTED PUBLIC VERSION**
v.)
LANCIUM LLC, MICHAEL T. McNAMARA,)
and RAYMOND E. CLINE, JR.)
Defendants.) C.A. No. 21-534-MN-CJB

**PLAINTIFFS' SEPARATE CONCISE STATEMENT OF
MATERIAL FACTS FOR TRIAL REGARDING DAMAGES**

ASHBY & GEDDES
Andrew C. Mayo (#5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
amayo@ashbygeddes.com

Of Counsel:

Benjamin T. Horton
John R. Labb  
Raymond R. Ricordati, III
Chelsea M. Murray
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357
(312) 474-6300

Attorneys for Plaintiffs
BearBox LLC and Austin Storms

Dated: July 22, 2022

Pursuant to the Court's Scheduling Order (D.I. 35), Plaintiffs BearBox LLC ("BearBox") and Austin Storms ("Storms") (collectively, "Plaintiffs") submit the following concise statement of material facts for trial regarding damages in support of their opposition to Defendants' motion for summary judgment regarding damages.

1. Lancium has extensively relied upon the converted property obtained from Austin Storms for its CLR (controllable load resource) operations, and Lancium extensively relied upon the converted property for seeking and obtaining investments, company valuations, and company expansions. Lancium will continue to use the converted property as part of the operation of its clean campuses. The following sources of evidence (among other evidence) support these disputed factual conclusions:¹

- Ex. FF (LANCIUM00035934) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- D.I. 151, Ex. 3 (McClellan Opening Report) ¶ 308

¹ All Exhibits are attached to the Declaration of Chelsea Murray filed herewith, unless otherwise noted.

- Ex. GG (LANCIUM00021608) [REDACTED]
[REDACTED]
[REDACTED]
- Ex. HH (LANCIUM00031208) [REDACTED]
[REDACTED]
[REDACTED]
- Ex. II (LANCIUM00031205) [REDACTED]
[REDACTED]
- Ex. JJ (RIOT000044) [REDACTED]
[REDACTED]
- Ex. KK (LANCIUM00036028)
- Ex. LL (LANCIUM00035926)
- Ex. MM (McCamant Dep.) at 153-154
- Ex. NN (McNamara Dep.) at 98-99.

ASHBY & GEDDES

Of Counsel:

Benjamin T. Horton
John R. Labb  
Raymond R. Ricordati, III
Chelsea M. Murray
MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357
(312) 474-6300

Andrew C. Mayo (#5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
amayo@ashbygeddes.com

Attorneys for Plaintiffs
BearBox LLC and Austin Storms

Dated: July 22, 2022

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2022, the attached **PLAINTIFFS'** **SEPARATE CONCISE STATEMENT OF MATERIAL FACTS FOR TRIAL REGARDING DAMAGES** was served upon the below-named counsel of record at the address and in the manner indicated:

Chad S.C. Stover, Esquire
Barnes & Thornburg LLP
222 Delaware Avenue, Suite 1200
Wilmington, DE 19801

VIA ELECTRONIC MAIL

Mark C. Nelson, Esquire
Barnes & Thornburg LLP
2121 N. Pearl Street, Suite 700
Dallas, TX 75201

VIA ELECTRONIC MAIL

Adam M. Kaufmann, Esquire
Barnes & Thornburg LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606-2833

VIA ELECTRONIC MAIL

/s/ Andrew C. Mayo

Andrew C. Mayo